IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 9245 OF 2005

Between:

M. Penchaiah, S/o. M. Gangaiah, Aged 45 years,
Occ: Agriculture, R/o. Vontimitta Village &

Vontimitta Mandal, Cuddapah District.

..... PETITIONER

AND

1. The District Collector & Executive Magistrate, Cuddapah,

Cuddapah District.
2. The Mandal Revenue Officer/ Election Officer under Water

Users' Association Rules, Vontimitta Mandal, Cuddapah

District.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action

of the respondents in conducting the elections without considering the objections submitted by the farmers and without following due procedure contemplated under Andhra Pradesh Farmers Management of Irrigation Systems (Delineation and Formation of Water Users Associations Rules 2003) as illegal, arbitrary and contrary to the provisions of the natural justice and consequently direct the respondents to revise the voter by including the name sof the land holders as per law to proceed and to pass such other order or orders

Counsel for the Petitioner: MR.S.A.K.MYNUDDIN

Counsel for the Respondents 1 & 2: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

ORDER:

The petitioner is an agriculturist and a voter of the village. But to his surprise, his name was deleted from the voters list. Earlier the petitioner filed No. 5810 of 2005 and orders were passed thereon and, therefore, the respondent No.2 bore grudge against the petitioner. Aggrieved of the deletion of his name, he submitted objections to the voters' list on 28.3.2005 and the voters' list is not notified as required under Rule 9 of the A.P. Farmers Management of Irrigation Systems (Delineation and Formation of Water Users Associations)Rules, 2003, and therefore, he submitted an appeal as required under Rule 10.

Admittedly, an alternative efficacious remedy is available under Rule 10 of the Rules and the petitioner, without exhausting the remedy available under Rule 10, has straightaway approached this court invoking the extraordinary jurisdiction under Article 226 of the Constitution of India. Therefore, the writ petition is not maintainable and is accordingly dismissed. No order as to costs.

Elipe Dharma Rao, J.

April 21, 2005

MAS.

To

1. The District Collector & Executive Magistrate, Cuddapah,

Cuddapah District.
2. The Mandal Revenue Officer/ Election Officer under Water

Users' Association Rules, Vontimitta Mandal, Cuddapah

District.

3 2 copies to GP for Irrigation and Command Area Development

A.P. High Court Buildings, Hyderabad.

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